

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/786,171 Confirmation No. : 9141
First Named Inventor : Robert FROST
Filed : February 26, 2004
TC/A.U. : 1744
Examiner : Kevin Joyner

Docket No. : 029082.53185US
Customer No. : 23911

Title : Process for Operating a Packaging Transport System

STATEMENT FROM TANYA CHE
IN RESPONSE TO DECISION ON PETITION

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-450

Sir:

In accordance with the Decision on Petition mailed August 27, 2008, this is a statement from the below-signed, Tanya Che. I hereby declare that:

1. I am the Docketing Manager for the Intellectual Property Group of Crowell & Moring LLP.

2. I was employed by Crowell & Moring during the relevant time periods discussed in this Petition as either the Docketing Manager or Docketing Supervisor for the Intellectual Property Group of Crowell & Moring LLP.

3. On May 20, 2008, I was informed by Gayle Morris that a Notice of Non-Compliant Amendment had been mailed in the above-

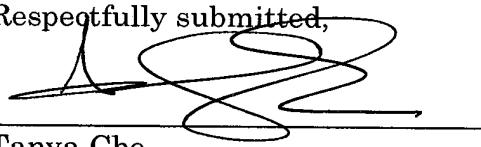
identified application on December 5, 2007, but there was no corresponding entry in the Crowell & Moring docketing system.

4. Based on discussions with Gayle Morris, I reviewed the data in our docketing system and determined that all Patent Office correspondence that was mailed on December 5, 2007, was entered into our docketing system on either December 6, 2007 or December 7, 2007. In addition, in response to learning that the Notice of Non-Compliant amendment had not been received, a physical search of the firm's files and records was conducted.
5. I have confirmed that upon the completion of a thorough search of the identified file wrapper, the records department spaces, and the firm's docketing records, the Notice of Non-Compliant Amendment mailed December 5, 2007 was not found, and was not received nor docketed in this office. Documentation of the docket records search follows.
6. Attached as Exhibit A is a report of all matters entered into our docketing system on December 6, 2007. Attached as Exhibit B is a report of all matters entered into our docketing system on December 7, 2007. The above-identified matter does not appear in the reports of Exhibits A and B.

7. If a Notice of Non-Compliant Amendment (Notice) were received by Crowell & Moring on December 6, 2007, it would have been docketed on December 6th or December 7th and would appear on the reports of Exhibits A and B. Because a Notice for the above-identified application does not appear in the reports of Exhibits A and B, and further no entry for the Notice is present on any date after December 5, 2007, it is my belief that the Notice mailed on December 5, 2007, was not received by Crowell & Moring.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

September 3, 2008

Respectfully submitted,


Tanya Che
Manager, Docketing Department
CROWELL & MORING LLP

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